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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,853	07/31/2001	Jorge Antonio Sved	30010360-1	9460

7590 03/02/2004

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EXAMINER

DAVIDSON, DAN

ART UNIT PAPER NUMBER

2651

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/917,853

Applicant(s)

SVED, JORGE ANTONIO

Examiner

Dan I Davidson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,8-12,14 and 15 is/are rejected.
- 7) ☒ Claim(s) 3-7,13 and 16-21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. The information disclosure statement filed January 7, 2002 has been received and has been considered and made of record.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 8-12, and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Bartlett (EP 0957484 A1).

Re claims 1 and 14; Bartlett discloses an apparatus for transferring data from a host computing system to one or more magnetic tape storage devices or the like (page 2, lines 27-28), the apparatus comprising input apparatus for receiving data, dividing it into blocks, and converting the blocks of data to a format suitable for storage on the one or more storage devices (Fig. 2, 201), one or more data writers for writing the blocks of data in sets of a plurality of blocks to the one or more storage devices (Fig. 2, 220-227), one or more data readers for reading back data written to the one or more storage devices (Fig. 2, 230-237) and transferring the read data to error checking apparatus, the error checking apparatus being arranged to generate a negative output only if a block of data includes an error and/or more than a predetermined number of errors (Fig. 2, 203), and control apparatus for causing the one or more data writers to rewrite a set of blocks of data to the one or more storage devices in response to a negative output from the

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error checking apparatus, until all of the blocks of data in that set are written without error (or with fewer than a predetermined number of errors) during the same rewrite (page 7, lines 13-15).

Re claims 2 and 15; Bartlett discloses that the data is written to the one or more storage devices in codeword quad (CQ) sets comprising an array of ECC encoded codeword pairs (page 6, lines 19-22).

Re claim 8; Bartlett discloses a plurality of tracks by means of which a number of blocks of data are simultaneously written across the one or more storage devices (page 5, lines 10-11).

Re claims 9 and 11; Bartlett discloses that the error checking apparatus comprises eight parallel read heads for simultaneously reading back a number of blocks of data written to the one or more storage devices (Fig. 3, 230-237).

Re claim 10; Bartlett discloses eight parallel tracks (Fig. 2, 210-217).

Re claim 12; Bartlett discloses that the at least one data reader is positioned such that it follows the at least one data writer and is arranged to read back data just written to the one or more storage devices, while data is still being written to the one or more storage devices (page 5, lines 33-36).

***Allowable Subject Matter***

4. Claims 3-7, 13, and 16-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Re claims 3 and 16; the prior art of record, and in particular Bartlett (EP 0957484 A1), fails to teach or suggest a history store for storing information relating to at least some of the CQ sets written to the one or more storage devices together with information corresponding to the output of the error checking apparatus for each codeword pair of the set.

Re claims 13 and 21; the prior art of record, and in particular Bartlett (EP 0957484 A1), fails to teach or suggest, a control register having 1-4 bits which can be set by a user to cause a set of blocks of data or CQ set to always be rewritten unless all of its blocks of data or codewords are good regardless of previous rewrites.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan I Davidson whose telephone number is (703) 308-8535. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth, can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DID

Dan I Davidson  
February 25, 2004



DAVID HUDSPETH  
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